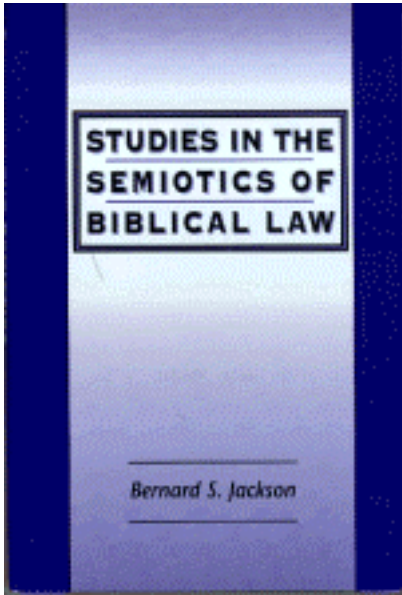


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In this book Bernard Jackson describes in a systematic manner his method of analyzing biblical law, which he has developed through many publications in the field. The book is therefore a methodological introduction to “diachronic semiotics” and its application to ancient law in general and biblical law in particular.

Jackson describes his approach, based most directly on the theories of A. J. Greimas, as “semio-narrative.” It emphasizes the “role of narrative in the deep structure of signification of *any* form of discourse” (23). Laws then can best be understood in terms of the stereotypical narrative situation that they were meant to address (such as a burglary at night) rather than in terms of the range of situations that they were intended to cover. However, Jackson goes beyond such generalizations about the deep narrative structures behind laws to provide a historical analysis of the development of biblical laws. He uses developmental cognitive psychology to create a “diachronic semiotics” that assumes “typical patterns of development in human thought” (11). In other words, he draws analogies between an individual’s psychological development and a culture’s historical development to interpret biblical laws in terms of the cognitive levels they reflect. This psychological analogy thus distinguishes his approach from other descriptions of law’s historical development, such as nineteenth-century evolutionary theories of law or more

recent “diffusionist” approaches that describe a process of Mesopotamian cultural influence on Israel’s legal traditions.

The transition from orality to literacy, as described by Walter Ong, plays a central role in Jackson’s thinking about cultural development. He uses the oral/written distinction to chart the development from the smallest units of law to the largest compositions. This sequence structures the chapters of his book, which, after a methodological chapter, move from “speech acts and speech behaviors” and oral “wisdom-laws” in chapters 2 and 3 to consideration of large-scale chiasms and narrative structures in chapters 8 and 9. In between, the transition from orality to literacy is addressed in terms of the “development of legal drafting” (chap. 4), “the written media of law” (chap. 5), and two chapters addressing the cognitive nature of law (“the temporality of law” and “‘postulates’ and values”). Jackson presumes throughout that laws in oral cultures are discrete, small units addressing typical situations conceived narratively. In the process of being reduced to writing, they become generalized, semantically more complex, and encased in larger thematic lists: “Once the writing of law commences, the barrier against the development of discourse units and structures larger than the individual rule disappears” (93). He is aware of contrary evidence, noting at one point that speech tends toward redundancy and repetition, in contrast to the “relative economy of the written word” (74). His method depends, however, on postulating a progression from simple to complex legal forms at the syntactic and symbolic levels, because only in that way can he show the development in cognitive psychological levels from one biblical text to another.

Following the work of David Daube, Jackson describes the trend over time toward abstraction (“nominalization”) and standardization in legal language. Thus the diversity of formulations in biblical law may be due to the formal diversity that is typical of oral expression rather than to different compositional sources. He observes that, compared to the Covenant Code, the later laws of the P material tend to “bureaucratize” (e.g., fewer self-executing laws) and systematize (e.g., filling in logical gaps), so the form of expression becomes more chiasmic and symbolic. As a case study in his last chapter, he applies the developmental psychological stages of “enactive, iconic, symbolic” to the various biblical formulations of the law of *talion*. However, Jackson has to admit that he can show more cognitive development between the Laws of Eshnunna and of Hammurabi, both from the early second millennium B.C.E., than in biblical codes from the mid-first millennium. He concludes therefore that

the biblical texts do not stand in relation to each other in a clear developmental sequence. In particular, one “stage” does not disappear to make way for the next. All that is here claimed is that there is a developmental sequence in their appearance. Iconic representation is not likely to appear before there has been a stage of enactive; symbolic is not likely to appear before there has been a stage of iconic. But earlier stages may leave traces in later stages. (290)

Thus Jackson concludes, for example, that Moshe Greenberg's famous "postulates of biblical law" are too advanced "for a society only just progressing from orality to literacy" (187).

As the above quotation shows, Jackson is well aware that biblical laws do not lend themselves easily to such a psychological scheme of development, either as a self-contained corpus or within the wider history of ancient law. He seems less sensitive to the incongruity, at least to nonlegal minds, of describing modern legal drafting as an epitome of symbolic reasoning because of the greater syntactic complexity of its legal formulations. That accomplishment would seem rather less of an advance if judged by literary, rather than legal, standards. Most problematic, however, is Jackson's failure to subject the concept of Israel's (literary) culture to sustained analysis. While it may or may not be true that Israel's society was "only just progressing from orality to literacy" in the centuries when the laws were written (the evidence is very difficult to judge, as is the question of what definition of "orality" and "literacy" should be applied in this period), that fact has little relevance for literary conventions adopted from other literate cultures. Israel's literary culture, and especially its tradition of legal writing, is obviously dependent on Mesopotamian and Egyptian antecedents, which were already close to two millennia old by the time the Pentateuch reached its final form. In order to emphasize the transition from orality to literacy, Jackson has unduly isolated and reified ancient Israel's culture.

Jackson does, however, gain some interesting interpretive insights from using this method. He isolates a key element in the development from orality to literacy by distinguishing the "literal meaning" of laws, which are interpretations he considers dependent on literacy, from their "social function," which he associates with orality. His choice of the term *literal* to describe the higher cognitive and symbolic modes of legal interpretation will confuse readers (such as this reviewer) who, on the basis of literary and theological uses of the term, understand it to mean the opposite of symbolic interpretation. As the book progresses, Jackson increasingly uses "semantic" in place of "literal," a better choice to express his point that, under conditions of literacy, legal interpretation tends to emphasize the meaning of words and the range of situations those words "cover," whereas orality interprets laws in terms of the typical situations that they address. In such oral cultures, there is an implied narrative context for every law within which the law makes sense. "The choice between 'semantic' and 'narrative' approaches is not inherent in a particular text; it is the application to the text of a conventional epistemology" (208), so the same text may be subject to both modes of interpretation at different points in history. Jackson nevertheless feels that semantic interpretation often results in misreading biblical laws by viewing them in a legalistic context foreign to their original narrative meaning. Thus he argues that the law of *talion* was never as arbitrary and mandatory as later interpreters have often assumed.

Jackson notes that many of the provisions of the Covenant Code in Exodus are “self-executing”; that is, they do not require third-party adjudication. The laws then were designed to instruct the parties in a typical dispute how they should behave. Jackson labels such provisions “wisdom laws”: “orally transmitted, sometimes ‘arbitrary’ rules that can be used for immediate, rough-and-ready dispute resolution” (280). Written books of laws, on the other hand, had three uses: archival, didactic, and ritual. He distinguishes these rather strictly: evidence of “ritual” rather than “didactic” use, for example, is the absence of any mention of discussing or interpreting the text (141), and he criticizes me for failing to observe this distinction (137–38). Jackson draws an interesting analogy from contemporary practices: his “ritual” reading of the text resembles contemporary Torah readings in synagogues, while “the church lesson, by contrast, is much closer to Watts’s understanding of a public reading for didactic purposes” (139 n. 77; his reference is to my *Reading Law: The Rhetorical Shaping of the Pentateuch* [Sheffield: Sheffield Academic Press, 1999]). This comparison with contemporary liturgical practices is intriguing. However, it is less useful for understanding biblical law, since Jackson himself notes that ritual and didactic uses were soon joined together (264) and that Ezra’s reading (Neh 8) combined all three functions (141). Thus, he places Ezra at the end of a process of development that started with individual oral wisdom laws and continued through their inscription for archival, didactic, or ritual purposes to the coalescence of these uses in Ezra’s work.

I think that their combination in Ezra’s work argues rather for their combination in earlier law readings as well and that Jackson at any rate makes too hard a distinction between ritual and didactic uses of law. The absence of any mention of interpretation does not necessarily demonstrate a lack of didactic intent. Jackson’s description of the archival, didactic, and ritual uses of legal texts strikes me as most valuable for pointing out the various uses to which the *same* text was put and therefore the multiple uses that the composition of that text might try to address. In that case, the discovery that parts of the Pentateuch lend themselves more readily to one use than another does not necessarily indicate their origins as separate texts but rather the multiple uses for which the law collections and the Pentateuch itself was designed.

Bernard Jackson is to be congratulated for welding a wide range of social, literary, legal, and historical issues into a coherent theory of biblical law. His clearly stated methodology illuminates the theoretical underpinnings behind any description of the laws. Where I find myself in disagreement with his conclusions, it is almost always because of differing methodological commitments, which his book casts in sharp relief. These involve not only Jackson’s starting point in structuralist and semiotic theory but also debates over the orality/literacy distinction and its role in ancient Israel’s culture, the definition of ritual over against instruction, whether the best lens for viewing the Pentateuch should be “legal,” with its tendency to analyze statutes separately, or “literary,” with its emphasis on thematic and structural unity. Though I have argued that

the Pentateuch manifests itself preeminently as “Law,” I find my literary presuppositions about how it constructs that idea frequently in conflict with Jackson’s assumption that law inherently involves multiple texts that must first be understood individually. These arguments show that the study of biblical law requires sustained theorizing about the nature of law, literature, culture, and language. It is the great contribution of this book that it places these issues under consideration so forcefully.